

NATURE OF CHARGE: Misbranding, Section 502 (a), the statements in the labeling above referred to were false and misleading; Section 502 (b) (2), the labels failed to bear a statement of the quantity of the contents; and, Section 502 (e), the labels failed to bear a statement of the common or usual names of the active ingredients.

Adulteration, Section 501 (c), the strength of the articles differed from, and their quality fell below, that which they purported and were represented to possess since they were not "antitoxin" and "antiseptic," as represented.

PRAYER OF COMPLAINT: That the defendant be restrained and enjoined from shipping in interstate commerce the drugs "Kamba" or "Kamba Tonic."

DISPOSITION: On or about August 30, 1945, a default decree was entered granting the injunction. On September 26, 1945, the defendant filed a motion to set aside the default decree, which was granted on October 8, 1945.

On December 5, 1946, a decree for a permanent injunction was entered enjoining the defendant from introducing or causing to be introduced into interstate commerce any herb concoction, distillate, or other preparations under the name of "Kamba" or "Kamba Tonic" or any preparation made from the genus of herbs known as *Chamaebatia*. On December 27, 1946, the writ of injunction in accordance with said decree was issued.

On or about April 23, 1947, a complaint was filed charging violation of the writ of injunction. On October 3, 1947, the matter having been tried before the court, the defendant was found guilty of contempt and was sentenced to 6 months' imprisonment. The sentence was suspended, and the defendant was placed on probation for 6 months.

2658. Adulteration of Dr. E. R. Eatons Formula. U. S. v. 3 Boxes * * *.
(F. D. C. No. 25770. Sample No. 9075-K.)

LIBEL FILED: September 21, 1948, District of New Jersey.

ALLEGED SHIPMENT: On or about August 2, 1948, by the C. F. Kirk Co., from New York, N. Y.

PRODUCT: 3 boxes, each containing 25 ampuls, of *Dr. E. R. Eatons Formula* at Teaneck, N. J.

NATURE OF CHARGE: Adulteration, Section 501 (c), the purity and quality of the article fell below that which it purported and was represented to possess since it was represented for intravenous use and was contaminated with undissolved material, whereas an article intended for intravenous use should be substantially free of undissolved material.

DISPOSITION: March 28, 1949. Default decree of condemnation and destruction.

2659. Adulteration and misbranding of prophylactics. U. S. v. 5 Gross * * *.
(F. D. C. No. 26120. Sample No. 3876-K.)

LIBEL FILED: December 7, 1948, District of Columbia.

ALLEGED SHIPMENT: On or about September 16, 1948, by the Blue Ribbon Co., from Baltimore, Md.

PRODUCT: 5 gross of *prophylactics* at Washington, D. C. The product was packed in 3-unit tins, 4 tins to the package and 12 packages to the carton. Examination of samples showed that 2.45 percent were defective in that they contained holes.